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IN REPLY REFER TO FILE NO.

OF COUNSEL,  
JOHN F. MALONE

October 9, 2015

**Via Electronic Filing Only**

Honorable Michael A. Hammer, U.S.M.J.  
United States District Court  
District of New Jersey  
Martin Luther King, Jr. Federal Building &  
U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Re: Wendell Kirkland and Anthony Kirkland v. City of Linden, et al.  
Civil Action No.: 2:12-cv-01196

Dear Judge Hammer:

On October 9, 2015, I conferred with plaintiff's counsel, Michael Rubas, in anticipation of the settlement conference before the Court on October 14, 2015. Mr. Rubas has advised me that he is on trial before Judge Cronin in Essex County in the matter of State of New Jersey v. Laquan Dwight. Mr. Rubas further advises me that that trial will preclude him from appearing at the settlement conference on October 14, 2015, and therefore all counsel are requesting an adjournment of the same.

While speaking with Mr. Rubas we were discussing the scheduling order and we would like to request a 60 day extension to complete fact discovery in this case. There is some disagreement among counsel in regard to written discovery requests which we hope to resolve and then take depositions of the necessary parties. I would appreciate Your Chambers getting back to me as to the adjournment request at your earliest convenience.

Respectfully submitted,  
LaCorte, Bundy, Varady & Kinsella

s/Robert F. Varady

Robert F. Varady

RFV/jc

cc: Michael P. Rubas, Esq. (Via Electronic Filing Only)  
David A. Schwartz, Esq. (Via Electronic Filing Only)